

From: [Moore, Stephen \(DETI\)](#)
To: ["Mukherjee Sinjini \(International Energy EU & Resilience\)"; Kate Porter \(kate.porter@bis.gsi.gov.uk\)](#)
Cc: [Wightman, Stuart; Pauley, Alberta; Hughes, Seamus; Kelly, Andrea; Ryan, Damien;](#)
Irrelevant information redacted by the RHI Inquiry
Subject: Northern Ireland RHI scheme State Aid Notification - Phase 2 Review Non-Domestic Renewable Heat Incentive
Date: 06 February 2015 16:39:46
Attachments: [SA.34140 – RHI Northern Ireland.pdf](#)
[2014 - 2020 GBER - Reg 651 2014 - 17 June 2014.pdf](#)

Sinj / Kate

Please see the email below from colleagues in Energy Division that relates to a widening of the scope of the NI RHI scheme (SA.34140 – see attached).

I see that the UK has twice re-notified the original UK scheme (SA.32125).

State aid No SA.35766 (2013/N) – United Kingdom Extension of the Renewable heat Incentive (RHI) to the domestic sector

http://ec.europa.eu/competition/state_aid/cases/249393/249393_1508242_89_2.pdf

State aid No SA.37562 (2013/N-2) – United Kingdom Amendments of the Renewable Heat Incentive (RHI) scheme for the non-domestic sector

http://ec.europa.eu/competition/state_aid/cases/249933/249933_1516864_75_2.pdf

Before we start work on a full notification of the NI scheme, I was wondering whether it would fall within any of the provisions in the 2014 GBER.

In particular, I see that Article 43 exempts operating aid for the promotion of energy from renewable sources in small scale installations.

I note in the definitions, 'energy from renewable energy sources' means energy produced by plants using only renewable energy sources, as well as the share in terms of calorific value of energy produced from renewable energy sources in hybrid plants which also use conventional energy sources and that 'renewable energy sources' means the following renewable non-fossil energy sources: wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases.

I also note that the notification thresholds for operating aid for the promotion of energy from renewable sources in small scale installations is EUR 15 million per undertaking per project.

Can either of you clarify whether Article 43 is intended for schemes like the RHI?

Have there been any discussions with the Commission on whether Article 43 could be used to amend our RHI schemes, rather than submitting a full notification?

Happy to discuss.

Stephen

Stephen Moore

European Support Unit
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9415 (ext: 29415)
Mob: Personal information redacted by the RHI Inquiry
TextRelay: 18001 028 9052 9415
Web: www.detini.gov.uk

Visit the website for the European Sustainable Competitiveness Programme for NI - www.eucompni.gov.uk

Please consider the environment - do you really need to print this e-mail?

From: Hughes, Seamus
Sent: 03 February 2015 12:15
To: Moore, Stephen (DETI)
Cc: Wightman, Stuart; Pauley, Alberta
Subject: RE: State Aid Notification - Phase 2 Review Non-Domestic Renewable Heat Incentive

Stephen

In summary the phase 2 review will bring in new technologies/tariffs, namely:-

Air Source Heat Pumps
District Heating
Deep Geothermal
Large biomass over 1MW
Extending the existing 6.3 pence biomass tariff up to 199kW

I hope this helps.

Regards

Seamus

Seamus Hughes

Energy Efficiency Branch
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9532 (ext: 29532)
TextRelay: 18001 028 9052 9532
Web: www.detini.gov.uk

Please consider the environment - do you really need to print this e-mail?

From: Moore, Stephen (DETI)

Sent: 03 February 2015 09:48
To: Hughes, Seamus
Cc: Wightman, Stuart; Pauley, Alberta
Subject: RE: State Aid Notification - Phase 2 Review Non-Domestic Renewable Heat Incentive

Seamus

Can you send me some details on how the Phase 2 review changes the RHI scheme?

Thanks

Stephen

Stephen Moore

European Support Unit
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9415 (ext: 29415)
Mob: Personal information redacted by the RHI Inquiry
TextRelay: 18001 028 9052 9415
Web: www.detini.gov.uk

Visit the website for the European Sustainable Competitiveness Programme for NI -
www.eucompni.gov.uk

Please consider the environment - do you really need to print this e-mail?

From: Hughes, Seamus
Sent: 03 February 2015 09:26
To: Moore, Stephen (DETI)
Cc: Wightman, Stuart
Subject: State Aid Notification - Phase 2 Review Non-Domestic Renewable Heat Incentive

Stephen

I had a brief chat yesterday with Stuart about the State Aid Notification in terms of the phase 2 review of the RHI and would be grateful for your initial advice on what needs to be done. I note in the original RHI State Aid Notification there is a reference to a further notification being submitted if additional technologies are being introduced to the scheme, and this is likely to be the case under the phase 2 review.

I suppose my first question would be, is a new full notification required or would it be an addendum to the original?

Many thanks

Regards

Seamus

Seamus Hughes

Energy Efficiency Branch
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9532 (ext: 29532)
TextRelay: 18001 028 9052 9532
Web: www.detini.gov.uk

Please consider the environment - do you really need to print this e-mail?



EUROPEAN COMMISSION

Brussels, 12.06.2012
C(2012) 3747 final

**Subject: State aid SA.34140 (2012/N) – United Kingdom
Renewable Heat Incentive (RHI) scheme (Northern Ireland)**

Sir,

The Commission wishes to inform you that the aid scheme in support of the renewable heat market in Northern Ireland, UK, is compatible with the common market in accordance with Article 107(3)(c) of the Treaty for the Functioning of the European Union (hereinafter "TFEU") and has therefore decided not to raise objections to the notified measure.

1. PROCEDURE

1. Following pre-notification contacts, the UK authorities notified the above mentioned measure, in accordance with Article 108(3) of the Treaty on the Functioning of the European Union (thereinafter "TFEU"), by electronic notification on 10 May 2012, registered by the Commission on the same day.

2. DESCRIPTION

2.1. Background and objective

2. The Renewable Energy Directive (Directive 2009/28/EC)¹ set a binding target for energy consumption coming from renewable sources, establishing that 20% of overall EU's energy consumption should come from such sources by 2020. The UK's share of this target is 15%, and UK authorities plan to achieve this by a combination of 12% renewable heat and 30% renewable electricity by 2020. Northern Ireland ("NI"), as part of the Member State, is expected to contribute to the UK targets and therefore must consider measures to increase the levels of renewable energy.

¹ OJ L 140/16, 5.6.2009.

The Rt Hon William HAGUE
Secretary of State for Foreign Affairs
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH
United Kingdom

Commission européenne, B-1049 Bruxelles/Europese Commissie, B-1049 Brussel – Belgium
Telephone: 00- 32 (0) 2 299.11.11.